

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

J. DOE 1, *et al.*,
Plaintiffs v.

ELON MUSK, *et al.*,
Defendants.

Case No. 8:25-cv-00462-TDC

REPLY TO DEFENDANTS' RESPONSE TO MOTION TO SEAL

Plaintiffs write briefly to reply to the points raised in Defendants' Response To Plaintiffs' Motion for Leave To Supplement the Record, ECF No. 62. As this Court has already granted the record supplementation, the only issue remaining is Plaintiffs' Motion To Seal, ECF No. 49.

Given that the vast majority of USAID employees and contractors are in various states of termination or administrative leave, the unique combinations of information in the proposed sealed declarations would be likely to reveal the identity of the declarants based on their positions, access to particular information, and particular communications they received. As Plaintiffs noted in their original Motion to Seal, ECF No. 40, and their Motion to Proceed Under Pseudonyms and accompanying memorandum, ECF Nos. 3 and 3-1, the risk of harm if witness identities are revealed is high. If anything, that risk has become greater since this case was filed and especially acute for J. Roes 6, 7, and 8. Since the time that Defendant Musk accused USAID staff of being "criminals," there have further been concrete threats made to criminally investigate and charge USAID employees. *See, e.g.,* Hailey Fuchs, *DOGE Panel Eyes Criminal Referrals for Alleged*

Misuse of US Foreign Aid, POLITICO (Feb. 26, 2025);¹ Laura Kelly, *Trump administration Considering Criminal Referrals in USAID Fight*, THE HILL (Mar. 5, 2025).² Additionally the administration has taken unprecedented direct retaliatory actions against individuals and entities. *See, e.g.*, Exec. Order No. 14230, Addressing Risks from Perkins Coie LLP (March 6, 2025). Under the current circumstances, sealing the declarations is justified.

Date: March 10, 2025

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¹ Hailey Fuchs, *DOGE panel eyes criminal referrals for alleged misuse of US foreign aid*, Politico (Feb 26, 2025, 2:35PM ET), <https://www.politico.com/live-updates/2025/02/26/congress/doge-subcommittee-mtg-usaid-00206246> (last accessed March 10, 2025).

² Laura Kelly, *Trump administration considering criminal referrals in USAID fight*, The Hill (March 5, 2025, 3:09 PM ET), <https://thehill.com/policy/international/5178414-trump-administration-usaid-criminal-referrals> (last accessed March 10, 2025).